

Appl. No. 10/786,886
Amdt. dated November 22, 2004
Reply to Office Action of August 26, 2004

Patent Case: CD0787Q1

-5-

REMARKS

PRIORITY

The specification has been amended to update the status of the parent application to reflect that the parent application has issued as U.S. Patent No. 6,713,481. In addition, the priority information has been amended for greater clarity.

STATUS OF CLAIMS

Claims 6-14 were pending and stand rejected.

Claims 6, 7, 9, 10, 12 and 13 have been canceled without prejudice.

Claims 8, 11, and 14 have been amended to avoid certain informalities. Support for these amendments can be found in the specification and the claims as originally filed, for example, on page 7, in the table. In particular, footnotes 1 and 2 following this table have been incorporated into Claim 8 in place of their reference by superscript.

DOUBLE PATENTING REJECTIONS

Claims 6 and 7 stand rejected under 35 U.S.C. §101, as allegedly claiming the same invention as that of Claims 2 and 3 of U.S. Patent No. 6,713,481. As Claims 6 and 7 have been canceled, this rejection is believed to be overcome.

Claims 6-14 stand rejected under the judicially created doctrine of obviousness-type double patenting, as allegedly being unpatentable over the claims of commonly-owned U.S. Patent No. 6,713,481. A Terminal Disclaimer executed by the undersigned attorney of record in compliance with 37 C.F.R. 1.321(c) is enclosed, and this ground of rejection should be removed.

CONCLUSION

It is believed that the foregoing amendments and terminal disclaimer place this application now in condition for allowance. Therefore, favorable action allowing pending Claims 8, 11, and 14 is respectfully solicited.

Appl. No. 10/786,886
Amdt. dated November 22, 2004
Reply to Office Action of August 26, 2004

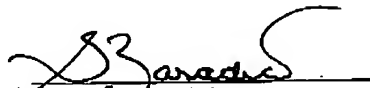
Patent Case: CD0787Q1

-6-

If there are any questions regarding this matter, please contact the undersigned.

Respectfully submitted,

SCHERING-PLOUGH CORPORATION
Patent Department, K-6-1, 1990
2000 Galloping Hill Road
Kenilworth, New Jersey 07033-0530


Sandy Zaradic, Ph.D.
Reg. No. 45,997
Counsel Patents
(908) 298-7221